

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS VER,  
Plaintiff,  
v.

No. C 12-01365 RS

**ORDER DENYING MOTION TO  
DISMISS**

ALFREDO HURTADO, UNITED STATES  
OF AMERICA, DOES 1-10,  
Defendants.

The initially assigned Magistrate Judge recommended on August 28, 2012 that this matter be dismissed due to failure to prosecute and for failure to comply with the Court's deadline and orders. On September 10, 2012 Plaintiff's counsel submitted a declaration explaining that plaintiff had missed the hearing dates and order to show cause because the court dates had not been properly "administered for service," and plaintiff's counsel was not familiar with Federal Court procedures. While counsel are required to be familiar with both the federal and local rules of this Court, as no prejudice has been shown from the delay, the action may proceed. Accordingly, defendant Hurtado's subsequently filed motion to dismiss based entirely on the failure identified in the Magistrate Judge's order is denied. The previously scheduled case management conference remains on calendar.

IT IS SO ORDERED.

Dated: 10/4/12

  
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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE